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**IN THE UNITED  
STATES PATENT AND TRADEMARK OFFICE**

**APPLICANTS:** David MEDWED; and  
Sara MEDWED

**FOR:** **Safety Tether**

**FILED:** October 02, 2003

**SERIAL NO:** 10/677,948

**GROUP ART:** 3632

**EXAMINER:** KING, Anita

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Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

Applicants wish to express their thanks to the examiner for directing them on how to properly write the amended claims. In response to an Office Action mailed August 10, 2005, kindly amend the claims as follows:

1. (Currently Amended) A tether substantially prevented from snugly encircling an appendage or neck of a child aged five or under, thereby substantially preventing a danger of choking and/or loss of circulation while maintaining an accessory near the child, comprising;

at least one elongate relatively stiffer section having a first end and a second end;

at least one relatively flexible accessory section extending from the first end of the at least one relatively stiffer section, the at least one relatively flexible accessory section being adapted to connect to a child accessory and incapable of snugly encircling a neck or appendage in conjunction with the at least one relatively stiffer section; and

at least one flexible anchor section extending from the second end of the elongate relatively stiffer section, the at least one flexible anchor section being adapted to connect to an anchor.

21. (Currently Amended) The tether according to claim 1 wherein the at least one flexible anchor section is of insufficient length to encircle the neck or appendage in conjunction with the at least one relatively stiffer section.

### **COMMENTS**

**In response to an Office Action mailed August 10, 2005, attached are amended claims in accordance with format requirements of the USPTO, including the words “Original” and “Currently Amended” in parentheses, where appropriate.**

Examiner states:

- I. Claims 1-4, 8, 9, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Seiger, US Patent 2,499,930.
- II. Claims 1 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Suh in US Patent 6,386,490; and
- III. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being obvious in light of Seiger, US Patent 2,499,930.

#### **I. Seiger**

Seiger teaches “A plane plate 2 of suitable proportion and weight to be quite stable” “affixed at one end a perpendicular tube 3” (Column 1 lines 44-46). Plate 2 sits on, rather than connects to, an anchor, for example highchair (Fig. 2) or bed (Fig. 3).

In distinct contrast, amended “currently amended” Claim 1 of the instant application claims: “at least one flexible anchor section ... adapted to connect to an anchor”.

#### **II. Suh**

Suh teaches a “flexible arm member 12 can be secured at the attachment end 14 to an object, such as a baby crib”. (Column 4, lines 65-67)

“Flexible” is defined by the Oxford dictionary © 2005 ([www.askoxford.com](http://www.askoxford.com)) as “capable of bending easily without breaking”.

Additionally, Suh teaches “snap on” clips 30 and 32 (Column 4, line 31) that attach frame member 18 at a fixed angle to stroller 202, thereby supporting bottle 200 (Fig. 1).

“Snap on” is defined by Miriam Webster Online Dictionary © 2005 as “to snap into position and fit tightly” and clips 30 and 32 cannot be *flexible*, as evidenced from Suh’s figures:

1. Member 18, in essence, is a long lever arm while clips 30 and 21 are very close to the fulcrum provided by the front surface of stroller 202. The ratio of long lever arm member 18 to short clips 30 and 32, imparts a full bottle 200 with a mechanical advantage that exerts significant disengagement force on clips 30 and 32.
2. A baby’s natural manipulation of bottle 200 during play and feeding, as multiplied by the above-noted ratio, significantly increases the disengagement force on clips 30 and 32.
3. Jarring and bumping as carriage 202, for example is wheeled down stairs, would further multiply the disengagement force.

In addition to the above, Suh’s singular choice of “snap on” to describe clips 30 and 32 rather than “flexible” used in describing arm 12, provides prima facie evidence that clips 30 and 32 are, in fact, not flexible.

In distinct contrast, amended “Currently Amended” Claim 1 of the instant invention claims:

“at least one flexible anchor section extending from the second end of the elongate relatively stiffer section...”

### **III. Allowability of Dependent Claims**

Applicant submits that now that "currently amended" Claim 1 (in amended form) is distinguished from both Sieger and Suh, all dependent claims thereby become accepted.

Favorable allowance of claims 1-4, 8, 9, 13, 15-17 and 21-24 as amended, is respectfully awaited.

Respectfully submitted,

David MEDWED Aug. 28, 2005  
David MEDWED Date

Sara MEDWED Aug 28, 2005  
Sara MEDWED Date